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TO : S - The Secretary
THROUGH: S/S *[initials]*
FROM : EUR - C. Burke Elbrick *[initials]*
SUBJECT: Possible Changes in the Plan for the Reunification of Germany

(Tab A)

The Eden Plan for the reunification of Germany was reviewed by the Four Power Working Group on German Reunification at its meetings in Paris late last month. It was agreed that the essential features of the Plan should be maintained, but that four possible modifications should be considered. These modifications will be taken up at a further meeting of the Working Group in Paris beginning April 28. They are as follows:

1. Referendum. The Germans propose that the first step in reunification be a referendum or plebiscite to determine the desires of the German population as to the method of reunification. The thought behind this proposal is to exploit Soviet statements that reunification is a matter for the Germans by proposing that the German people be allowed to express their views on the subject.

No detailed proposal was presented in Paris. It appeared that the German ideas were rather complicated and involved allowing the Communists to put up a question of their own choosing as an alternative to reunification by free elections.

We propose to agree that the idea of a referendum on reunification by free elections is a useful one and could be made the first step in the reunification plan. We would urge that the proposal be kept very simple. We would oppose offering to let the Communists put up an alternative of their own choosing. We regard this feature of the proposal as very dangerous and as one which could backfire badly.

2. Development and Promulgation of Election Law. The French propose that the Four Power role be reduced and the role of the German authorities be increased in this area. The idea appears to be to take into account the disappearance of any Allied occupation organization. We would be governed to a large extent by the German views, provided we felt certain that the arrangements would not prejudice the freedom of the elections.

3. Method

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3. Method of Elections. The British propose that elections be held separately in the two parts of Germany although under international supervision. The theory of this is to give some greater recognition to the present factual situation.

The Germans have hitherto attached great importance to the concept of a single election. We would be disposed to follow the German lead on this point, provided we were satisfied that adequate safeguards would assure freedom of elections and that the proposal did not prejudice our position on elections in other divided countries (Korea and Viet-Nam).

4. Possible Acceleration of the Process of Establishing an All-German Government. We have proposed that a greater degree of flexibility be introduced in the Eden Plan by providing for the possibility of establishing a provisional government under a provisional constitution without awaiting the adoption of a definitive constitution. We would plan to seek a full discussion on this proposal, but would not press it if it were opposed by other governments.

In addition to the foregoing subjects, we are studying two other aspects of the Eden Plan with a view to discussing them with the other governments concerned regarding the possibility of modifying the Plan:

Status of Existing Treaties

During our preparations for the Geneva meeting in 1955 you pointed out that the failure to provide for the continuation in force of existing treaty obligations of the Federal Republic was likely to create a chaotic situation in Germany's legal relationships with other countries. You also commented on the anomaly of a new government coming into existence with no international obligations. This problem was examined in the Working Group which reviewed the Eden Plan in July, but the Working Group was unable to find any satisfactory solution to this problem. We are reexamining the question in collaboration with the Office of the Legal Adviser with a view to seeing whether we can work out a formula which would permit a reunified Germany to exercise a freedom of choice to assume or reject the obligations of the Federal Republic and the GDR of a political or military character, but which would permit the maintenance in force of economic and technical treaties, at least for a sufficient length of time to permit them to be appropriately modified and to avoid a complete rupture in existing relationships.

Reserved

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Reserved Rights of the Four Powers

The Eden Plan provides for the retention until the peace treaty of the rights of the Four Powers deriving from the unconditional surrender and assumption of supreme authority which relate to the stationing of armed forces in Germany and the protection of their security, Berlin, and the reunification of Germany and a peace treaty. (The retention of these rights is subject to the provisions of the Treaty of Assurance, which would permit the all-German Government to request a withdrawal of forces.) The Eden Plan provides for limitation on the exercise of these retained rights by specifying that actions of the German Government cannot be disapproved by the former occupying powers except by a majority vote. As a result of our study of this part of the Eden Plan we have concluded there is some doubt as to the adequacy of these provisions. We are therefore studying the desirability of altering them.

Clearance:

GER - Mr. Lisle

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